Meeting of States Parties

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Report of the twenty-fifth Meeting of States Parties

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I. Introduction

1. The twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea was held at United Nations Headquarters from 8 to 12 June 2015, in accordance with article 319, paragraph 2 (e), of the United Nations Convention on the Law of the Sea (the Convention)[1] and paragraph 41 of General Assembly resolution 69/245.

2. The Meeting was attended by the representatives of States Parties to the Convention[2] and observers,[3] including the International Seabed Authority[4] (the Authority), the Commission on the Limits of the Continental Shelf[5] (the Commission) and the International Tribunal for the Law of the Sea (the Tribunal).[6,7]

II. Organization of work

A. Opening of the Meeting and election of officers

3. Jeremiah Nyamane Kingsley Mamabolo (South Africa), President of the twenty-fourth Meeting of States Parties, opened the twenty-fifth Meeting.

4. The Meeting observed a minute of silent prayer or meditation.

5. The Meeting elected Kriangsak Kittichaisaree (Thailand) as President of the twenty-fifth Meeting of States Parties, by acclamation.

6. The Meeting elected Audrey Naana Abayena (Ghana), Alejandro Sousa Bravo (Mexico), Sari Mäkelä (Finland) and Metod Spacek (Slovakia) as Vice-Presidents, by acclamation.

Statement by the President

7. The President noted the continued steady progress towards the goal of universal participation in the Convention, recalling that since the previous Meeting, the State of Palestine had acceded to the Convention, bringing the total number of Parties to 167, including the European Union. He noted, in particular, that the international community and individual States would benefit from a strong and universally accepted and implemented international legal regime for the oceans. He stressed that the Convention was essential for the maintenance of international peace and security, as well as for the sustainable use of the oceans and their resources, navigation and protection of the marine environment.

Statement by the Assistant Secretary-General for Legal Affairs

8. The Assistant Secretary-General for Legal Affairs recalled that in the most recent resolution of the General Assembly on oceans and the law of the sea,

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] See rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4).
[3] See rule 18 of the Rules of Procedure.
[4] See rule 18, paragraph 2, and rule 37 of the Rules of Procedure.
[5] See rule 18, of the Rules of Procedure.
[6] See rules 37 and 38 of the Rules of Procedure.
[7] For a list of participants at the twenty-fifth Meeting of States Parties, see SPLOS/INF/28.

Member States had recognized the pre-eminent contribution the Convention had made to the strengthening of peace, security, cooperation and friendly relations among all States. He stated that the legal framework established by the Convention, within which all activities in the oceans and seas must be carried out, was not static and allowed for further elaboration of specific areas of the law of the sea to address particular challenges concerning the oceans. In that context, he noted that 2015 marked the twentieth anniversary of the adoption and opening for signature of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Fish Stocks Agreement).[8] He also noted that a decision by the General Assembly to develop an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction was expected very soon.[9]

B. Adoption of the agenda and organization of work

9. The President introduced the provisional agenda (SPLOS/L.75). The delegation of the United Kingdom of Great Britain and Northern Ireland proposed that item 11 (c), entitled "Proposal by the United Kingdom of Great Britain and Northern Ireland for a mechanism to scrutinize budgets of the International Tribunal for the Law of the Sea", not be included in the agenda of the twenty-fifth Meeting but rather be placed on the provisional agenda for the twenty-sixth Meeting, noting that delegations were still engaged in informal consultations on the matter. The proposal was adopted by the Meeting, which then adopted the agenda, as amended (SPLOS/284).

10. Following consultations with the Bureau, the President put forward proposals regarding the organization of work. The Meeting approved the organization of work on the understanding that it could be adjusted, as necessary, in order to ensure the efficient conduct of the Meeting.

III. Credentials Committee

A. Appointment of the Credentials Committee

11. On 8 June 2015, pursuant to rule 14 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4), the Meeting appointed a Credentials Committee consisting of the following nine States parties: Albania, Barbados, Cyprus, Iceland, Italy, Kenya, Madagascar, Paraguay and Singapore. The Credentials Committee held one meeting on 10 June 2015 and elected James Ndirangu Waweru (Kenya) as its Chair.

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[8] United Nations, *Treaty Series*, vol. 2167, No. 37924.

[9] Following the Meeting of States Parties, on 19 June 2015 the General Assembly adopted, without a vote, a resolution entitled, "Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction" (see A/69/L.65, to be issued as resolution 69/292).

B. Report of the Credentials Committee

12. The Chair of the Credentials Committee introduced the report of the Committee (SPLOS/285) on 10 June 2015. He stated that the Committee had examined and accepted the credentials of representatives to the twenty-fifth Meeting from 131 States parties. He stated that after the meeting of the Committee, formal credentials were received from two States that had previously provided information on the appointment of their representatives. Of the 131 credentials accepted, therefore, 83 were in due form and 48 were received on the understanding that formal credentials would be communicated to the Secretariat as soon as possible.[10] He also noted that information had been received from the delegation of the European Union to the United Nations concerning the appointment of representatives.

13. The Meeting then approved the report of the Credentials Committee, on the understanding that the credentials would continue to be valid until the termination of the twenty-fifth Meeting in accordance with rule 1 of the Rules of Procedure (see SPLOS/263, para. 101).

IV. Matters related to the International Tribunal for the Law of the Sea

A. Report of the Tribunal for 2014

14. The President of the Tribunal, Judge Vladimir Golitsyn, introduced the annual report for 2014 (SPLOS/278) and provided an overview of the judicial activities of the Tribunal and the work carried out during the two sessions devoted to legal, organizational and administrative matters since the twenty-fourth Meeting, namely, at the thirty-seventh and thirty-eighth sessions.

15. The President also informed the Meeting that, following consultations held in December 2014, Ghana and Côte d'Ivoire had concluded a special agreement to submit to a special chamber of the Tribunal a dispute concerning delimitation of the maritime boundary between them in the Atlantic Ocean. At the request of the parties, the Tribunal, by an Order of 12 January 2015, had formed a special chamber under article 15, paragraph 2, of the Statute of the Tribunal. The special chamber was made up of five judges, including one judge ad hoc chosen by Ghana and one chosen by Côte d'Ivoire.

16. The President highlighted the continuous engagement of the Tribunal in 2014 and 2015, drawing attention to the fact that it had handled three cases involving a wide range of substantive and procedural issues. Those issues related to, inter alia, provisional measures concerning the conduct of oil exploration and exploitation activities in the disputed area pending a decision on the merits; the obligations and liability of flag States in relation to illegal, unreported and unregulated fishing in

[10] Following the approval of the report of the Credentials Committee, the Secretariat received formal credentials for the representatives of Algeria, Brunei Darussalam, Ghana, Kuwait, Lebanon, Maldives, Namibia, Qatar, Serbia, Spain, Sweden, Trinidad and Tobago and the United Republic of Tanzania, as well as information concerning the appointment of representatives from the Bahamas, Cook Islands and Equatorial Guinea.

the exclusive economic zones of the member States to the Sub-Regional Fisheries Commission; the competence of a coastal State to regulate offshore bunkering in support of foreign vessels fishing in its exclusive economic zone; the existence of a genuine link between a flag State and a ship flying its flag; and the applicability of the exhaustion of local remedies rule when a claim contained elements of injury to both a State and an individual.

17. The President recalled that 2016 would mark the twentieth anniversary of the Tribunal and informed the Meeting that it envisaged organizing two events, the first to be held in New York during the twenty-sixth Meeting of States Parties and the second to take place in Hamburg in October 2016. He also noted that the Tribunal had set up a special trust fund to support those activities and welcomed any contributions to it.

18. Finally, the President outlined the status of other existing trust funds and the internship, capacity-building and training activities undertaken by the Tribunal in 2014, as described in the report. In particular, he informed the Meeting that the Tribunal continued to hold regional workshops on the role of the Tribunal in the settlement of disputes related to the law of the sea. The most recent workshop had been held in Nairobi in August 2014.

19. In the ensuing discussions, many delegations highlighted the workload of the Tribunal, the scope of its activities, the efficiency and remarkable care with which it had delivered its decisions, the increasing contribution of the Tribunal to the progressive development of the law of the sea and its role in the peaceful resolution of disputes and the maintenance of order under the Convention.

20. Several delegations made reference to the judgements of the Tribunal in the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh v. Myanmar)* and the *M/V "Virginia G" (Panama v. Guinea-Bissau)* case. Some delegations specifically welcomed the recent submission of the *Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana v. Côte d'Ivoire)* to a special chamber of the Tribunal.

21. The important contribution of the Convention to the maintenance of peace, justice and progress for all peoples of the world was highlighted. Several delegations drew attention in particular to its unique compulsory dispute settlement mechanism. A call was made for States parties to accept the jurisdiction of the Tribunal under article 287 of the Convention. Under that agenda item, several delegations noted with concern that some States had refused to take part in arbitral proceedings brought against them under the Convention and urged all States to comply with the regime, participate in such proceedings and implement the decisions adopted. One delegation recalled the different methods stipulated in the Charter of the United Nations for the peaceful settlement of disputes and noted the discretion of countries with regard to the ways and means of settling disputes.[11]

22. Several delegations indicated that they agreed with the conclusions reached by the Tribunal in its advisory opinion, issued at the request of the Sub-Regional Fisheries Commission, concerning illegal, unreported and unregulated fishing. It was noted that combatting such fishing would help to ensure that fisheries were

[11] See also para. 95 below.

sustainable, which was crucial to the well-being and survival of States that relied on fisheries for income. Other delegations emphasized the need to bolster efforts to hold flag States accountable for illegal, unreported and unregulated fishing and promote cooperation between flag and coastal States to combat such fishing. Some delegations expressed the view that the advisory opinion, while not legally binding, contributed to the progressive development of the law of the sea and clarified important concepts. Other delegations emphasized that the interpretative reach of the advisory opinion was restricted to matters relating to the exclusive economic zone of the member States of the Sub-Regional Fisheries Commission.

23. Some delegations noted that the Convention, including the Statute of the Tribunal contained in its Annex VI, did not expressively provide for any advisory jurisdiction beyond that bestowed upon the Seabed Disputes Chamber. The view was expressed that, while jurisdiction could be conferred upon the Tribunal by an agreement other than the Convention, that jurisdiction should not extend to general matters beyond the scope of those agreements. It was suggested by one delegation that the Tribunal should have declined having jurisdiction, especially in that case, which concerned specific provisions of the Convention more than the provisions of the underlying regional fisheries agreement. Another delegation expressed concern that issues raised by many States regarding the lack of advisory jurisdiction of the Tribunal were not fully considered by the Tribunal in its ruling. Other delegations welcomed the decision by the Tribunal.

24. Several delegations expressed concerns over arrears in the payment of assessed contributions and reiterated their appeal to States parties to honour their commitments and pay outstanding contributions in full and on time.

25. Several delegations expressed support and appreciation for the capacity-building programmes of the Tribunal and noted the importance of those programmes in assisting developing States by strengthening their knowledge of the law of the sea, including regarding dispute settlement. In that regard, some States had committed to continuing to support such endeavours. One delegation also emphasized the need to assist developing States in dispute settlement procedures and committed to making a contribution to the Voluntary Trust Fund to assist States in the settlement of disputes through the International Tribunal for the Law of the Sea.

26. The Meeting took note of the report of the Tribunal for 2014.

B. Financial and budgetary matters

1. Report of the external auditor for the financial period 2013-2014, with financial statements of the International Tribunal for the Law of the Sea as at 31 December 2014

27. The Registrar of the Tribunal introduced the report of the external auditor for the financial period 2013-2014, with financial statements of the International Tribunal for the Law of the Sea as at 31 December 2014 (SPLOS/279).

28. He informed the Meeting that the audit report had been examined by the Tribunal during its session in March 2015.

29. The Meeting took note with satisfaction of the report of the external auditor, as contained in document SPLOS/279.

2. Report on budgetary matters for the financial periods 2013-2014 and 2015-2016

30. The Registrar introduced the report on budgetary matters for the financial periods 2013-2014 and 2015-2016 (SPLOS/280), covering the matters outlined below.

(a) Performance report for 2013-2014

31. The Registrar outlined the information contained in section I of the report, recalling that the total expenditure for 2013-2014 amounted to €19,241,443, which represented 90.59 per cent of the appropriations in the amount of €21,239,120 approved for that period. He noted that savings under part C of the approved budget of the Tribunal (case-related costs) were mainly due to the fact that, during the relevant period, the Tribunal had dealt with only one urgent case, namely, the request for provisional measures in case No. 22 and part of case No. 21, while the budget had been calculated on the basis of costs required for the handling of 2.5 urgent proceedings, in addition to pre-existing cases Nos. 18 and 19. With reference to part A of the budget (recurrent expenditure), the Registrar noted that the overexpenditures indicated in certain budget lines could be fully absorbed by redeploying appropriations from other budget lines.

32. Several delegations noted with satisfaction that the Tribunal had been able to limit its expenses to 90.59 per cent of the total appropriations in the approved budget, although this could be largely attributed to savings under case-related costs. The Tribunal was encouraged to continue managing its resources efficiently and effectively and to ensure that operating costs were maintained at a high level of efficiency.

(b) Report on action taken pursuant to the decision of the twenty-fourth Meeting of States Parties concerning the budget of the Tribunal for 2015-2016

33. The Registrar outlined the information contained in section II of document SPLOS/280, noting that, while the approved budget for 2015-2016 already contained a reduction of €1,159,100 as compared to the budget of the previous financial period, the Tribunal would be able to achieve additional savings under recurrent expenditure in the amount of €68,600, bearing in mind the need to ensure its effective functioning.

34. Delegations commended the Tribunal on its reduction in expenditure, while maintaining normal operations, and noted with satisfaction the efforts made to ensure the optimal use of the funds committed. The Registrar noted that the current budget was based on estimated costs for two additional urgent proceedings and that any additional proceedings would be covered through the Working Capital Fund. That would limit the need to surrender savings at the end of the financial period. It was recalled that at the last Meeting of States Parties, when adopting the budget several delegations had expressed the need to strike a balance between the principle of zero nominal growth and the evolutionary approach, based on the understanding of the work and functions of the Tribunal. In implementing the budget, the Tribunal was encouraged to continue to strive for savings and to ensure optimal use of resources, particularly in the light of the financial constraints currently faced by

Governments worldwide. The excellent quality of support services provided by the Tribunal to parties and delegations participating in cases before the Tribunal was emphasized.

(c) Report on action taken pursuant to the financial regulations of the Tribunal

35. The Registrar outlined the information contained in section III of document SPLOS/280, concerning the surrender of cash surplus from the financial period 2011-2012, the investment funds of the Tribunal, the Trust Fund for the Law of the Sea, the Nippon Foundation Trust Fund and the China Institute of International Studies Trust Fund.

36. Several delegations welcomed the contributions made to the various trust funds. One delegation noted with satisfaction the efficient use of the trust funds and encouraged the Tribunal to contribute further to capacity-building in developing countries. Appreciation was expressed also for the surrender of the cash surplus from the financial period 2011-2012, which had reduced the contributions to be made by States.

(d) Proposal regarding the participation of the Tribunal in the International Civil Service Commission

37. The Registrar outlined the information contained in section IV of document SPLOS/280, concerning a proposal regarding the participation of the Tribunal in the International Civil Service Commission (ICSC). He noted that, since its establishment, the Tribunal had applied the United Nations common system of salaries, allowances and other conditions to its staff without ever availing itself of the opportunity to participate in or contribute to the work of ICSC, which regulated and coordinated the conditions of service of the United Nations common system. The Registrar pointed out the advantages of such participation, noting that the additional expenditure for the biennium 2015-2016 could be absorbed by the current budget.

38. In the ensuing discussions, several delegations expressed support for the proposal of the Tribunal, noting that the staff of the Tribunal were affected by the rules emanating from ICSC. In response to a question relating to the budget line that would cover the additional expenditure, as well as the general budget implications, the Registrar explained that the expenditure would be included under the budget line for common staff costs. He noted that there might be a slight increase in the next financial period, but the costs were modest and reasonable and were limited to covering the basic participation of the Tribunal in the work of ICSC.

39. The Meeting took note with satisfaction of the report on budgetary matters for the financial periods 2013-2014 and 2015-2016 (SPLOS/280) and agreed that the Tribunal should subscribe to the Statute of ICSC with effect from 1 January 2016, on the understanding that the additional expenditure related thereto ($9,000 per annum) would be absorbed into the current budget.

V. Information on the activities of the International Seabed Authority

40. The Secretary-General of the Authority provided information on the activities carried out by the Authority since the twenty-fourth Meeting of States Parties, including the commemoration of the twentieth anniversary of the Authority in 2014.

41. Encouraging all States parties to attend the upcoming twenty-first session of the Authority, which would be held in Kingston from 6 to 24 July 2015, he noted that the session would address important matters such as, inter alia, the consideration by the Legal and Technical Commission of the recommended template for the annual reports of contractors; consideration by the Council of the procedures and criteria for the extension of approved plans of work for exploration; and consideration by the Assembly of the terms of reference for the periodic review of the international regime of the Area in accordance with article 154 of the Convention.

42. The Secretary-General recalled that 22 exploration contracts had been entered into and noted that 4 were pending signature. He pointed out that the exercise of supervisory functions with regard to those contracts had become increasingly onerous for the Authority. He also indicated that in March 2015 the Council had issued a report that contained a draft framework for the regulation of mineral exploitation in the Area for comments from member States and stakeholders. A discussion paper aimed at the development and implementation of a payment mechanism for exploration activities in the Area had also been issued.

43. The Secretary-General informed the Meeting that, since the twentieth session, the Authority had organized two more workshops on resource classification and data standardization. The first workshop, which had been held in India in October 2014, had recommended that the Authority support collaboration between contractors to test collector devices for polymetallic nodule and conduct pilot mining tests and environmental impact assessments. The conduct of such tests would offer useful inputs into the financial models required for the fiscal regime. The second workshop, which had been held in the Republic of Korea in November 2014, was the second in a series regarding taxonomic methodologies and standardization of macrofauna in the Clarion-Clipperton Zone. The outputs of the process would help to formulate regulations regarding environmental impact assessments for nodule mining.

44. The Secretary-General also noted that a sensitization seminar, held in South Africa in March 2015, had focused on the activities of the Authority and the challenges and opportunities for collaborative research for African States in the Atlantic and Indian Ocean ridges.

45. In the ensuing discussions, many delegations expressed appreciation for the work of the Authority and remarked that the increasing number of applications and contracts for exploration of the Area before the Authority reflected the confidence placed by the international community in its work. However, it was stressed by one delegation that the workload of the Legal and Technical Commission and the secretariat of the Authority was not sustainable and should be considered at the upcoming session of the Assembly.

46. Several delegations also commended the continuing work of the Authority with regard to the development of a regulatory framework for the exploitation of marine minerals in the Area, which would provide legal certainty to contractors, and welcomed the opportunity to submit inputs through the stakeholder survey. They noted that the regulatory framework should reflect a balance between, on the one hand, the need to ensure both environmental protection and commercial feasibility and, on the other hand, the need to ensure that activities in the Area were carried out for the benefit of mankind as a whole as provided for in Part XI of the Convention. The need to avoid, or at least minimize, environmental damage in the Area was also emphasized, as it was recognized that many questions remained unanswered with regard to the resources and ecosystem services in deep seabed areas. It was stressed that the terms of exploitation should be determined on the basis of fairness, so as to facilitate wider participation from members of the Authority, including developing countries. The view was expressed that the regulations on exploitation should also be consistent with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area; the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area; and the Regulations on Prospecting and Exploration for Cobalt-Rich Crusts, in particular regarding the use of terminologies.

47. Some delegations highlighted the work of the Authority with regard to marine scientific research and noted the potential relevance of that research, including an ecosystem-based database for the Area, in the continuing discussions on the conservation and sustainable use of the marine biodiversity of areas beyond national jurisdiction. Some delegations stressed that the role of the Authority in the regulation of deep seabed mining should be clearly recognized in the discussions on a new global instrument for the conservation and sustainable use of the marine biological diversity of areas beyond national jurisdiction.

48. The work of the Authority with regard to the extension of exploration contracts was commended by some delegations. However, it was noted that procedures for extension should be clear and simple and in accordance with the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982[12] and the regulations on prospecting and exploration. A view was expressed that extensions should be granted if contractors had acted in accordance with their contract.

49. Some delegations welcomed the proposed consideration by the Authority at its next session of the terms of reference for the periodic review of the international regime of the Area in accordance with article 154 of the Convention. It was noted that it had been proposed that this item be included in the agenda of the Assembly for the first time. A view was expressed that the review should include the status of capacity-building and technology transfer to developing countries to enable them to benefit and participate in activities in the Area.

50. Appreciation was expressed by several delegations for the capacity development activities of the Authority. In that connection, a view was expressed that, in the context of the above-mentioned review, those activities should be expanded beyond the training opportunities which were provided to nationals of developing States as a condition for the issuance of contracts for exploration by the Authority.

[12] United Nations, *Treaty Series*, vol. 1836, No. 31364.

51. Delegations called for greater participation by States in the work of the Authority and accession to the Protocol on Privileges and Immunity of the Authority. Concern about the lack of attendance at meetings of the Authority was raised.

52. The Meeting took note of the information reported by the Secretary-General of the Authority.

VI. Matters related to the Commission on the Limits of the Continental Shelf

A. Information reported by the Chair of the Commission

53. The Chair of the Commission, Lawrence Folajimi Awosika, made a statement providing information on the activities carried out by the Commission since the twenty-fourth Meeting of States Parties (see SPLOS/283).[13]

54. In the ensuing discussion, many delegations commended the scientific and technical work of the Commission pursuant to article 76 of the Convention, especially in light of its ever-increasing workload, as well as its role in the implementation of the Convention. The final and binding nature of the limits of the continental shelf established by a coastal State on the basis of the recommendations of the Commission was highlighted.

55. Delegations welcomed the decision of the Commission, during its thirty-seventh session, to continue to hold 21 weeks of meetings per year for the remainder of the current term of the Commission. Several delegations also expressed appreciation with regard to the functioning of the Commission through nine simultaneously active subcommissions, noting that this had decreased the overall waiting time of submissions in the queue. The fact that the workload of the Commission had increased exponentially in recent years and that the number of submissions was much greater than originally anticipated at the time of the establishment of the Commission was also noted.

56. At the same time, several delegations indicated that the increase in the number of weeks of work of the Commission had not yet translated into a proportional increase in the number of recommendations issued by the Commission. It was recognized by some delegations that the complexity of submissions and the amount of supplementary information provided by delegations affected the working pace of the Commission and that a careful balance was needed between the efficiency with which the Commission operated and the quality and consistency of its work. The importance of full attendance of members of the Commission at the meetings of the Commission and its subcommissions was also emphasized by several delegations.

57. A view was expressed that the Commission could simplify its proceedings and expedite its pace by following the precedents contained in its previous recommendations, thus ensuring consistency in its work. A call was made for the Commission to consider the scientific and technical aspects of submissions expeditiously and also to ensure transparency with regard to the submitting States.

[13] For more information on the work of the Commission during its thirty-fifth, thirty-sixth and thirty-seventh sessions, see CLCS/85, CLCS/86 and CLCS/88.

58. It was observed by some States that the integrity and professionalism of members of the Commission was of paramount importance and the hope was expressed that the Commission would address the conduct of individual members, who might prejudge current and future submissions, in an appropriate manner. In particular, one delegation called for the fair, unbiased and science-based consideration of every submission in order to safeguard the credibility of the Commission. In that connection, it noted with concern the manner in which the Chair of the subcommission established to consider its submission had handled the interactions with its representatives. Another delegation suggested that, if necessary, States parties could discuss measures to resolve concerns relating to the management of the Commission, including issues of efficiency and transparency. In response to those interventions, the Chair of the Commission made a statement addressing those concerns.[14]

59. Concern was raised by some delegations regarding the fact that some submissions were being deferred, seemingly indefinitely, as a result of objections made by third States under rule 46 and annex I to the rules of procedure of the Commission (CLCS/40/Rev.1). It was observed by a number of delegations that, pending the resolution of disputes, additional costs were incurred to maintain the submissions concerned and to keep the team of experts ready and available to interact with the Commission when the submission would be considered. It was pointed out that, in cases where disputes between States with opposite or adjacent coasts existed, the decisions of the Commission were without prejudice to matters relating to the delimitation of boundaries between States. Some delegations noted that the decision by the Commission to defer consideration of a submission due to the existence of disputes was consistent with its rules of procedure and that the Commission should continue to work in accordance with its rules of procedure and the Convention. The settlement of maritime delimitations by some States parties was welcomed in that regard. In that connection, one delegation noted that it would be making a revision to its submission.

60. Support was expressed for the decision taken by the Commission at its thirty-seventh session, in the interests of transparency in its work, to encourage submitting States not to restrict circulation of their communications only to the members of the Commission, to the extent possible. The interest of States parties in obtaining more information on the substance of the work of the Commission was noted, particularly in view of their obligation to make payments or contributions in respect of the exploitation of non-living resources of the continental shelf beyond 200 nautical miles under article 82 of the Convention.

61. Reference was made to the information provided by the Chair of the Commission that software used in certain submissions in the queue might become obsolete by the time those submissions were in line for consideration. In that regard, States parties were urged to explore ways and means for coastal States to keep their submissions up to date. It was also suggested by one delegation that the elections of members of the Commission could be staggered to avoid a negative impact on the performance and institutional memory of the Commission, which would occur if the majority of its members were not re-elected.

[14] See para. 74 below.

62. The Division provided the Meeting with an overview of the status and projected funding requirements of the Voluntary Trust Fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. Since the last Meeting, contributions had been received from China, Costa Rica, Iceland, Ireland, Japan, Mexico, Portugal and the Republic of Korea and the current balance was approximately $660,000. The Secretariat emphasized that the funds currently available would not be sufficient to cover meetings fully through to the end of 2016, including the forty-first and forty-second sessions, also noting that those calculations did not include costs associated with medical travel insurance. Additional contributions were, therefore, needed to ensure the ability of the Commission to fulfil its mandate through 2016 and beyond.

63. Several delegations expressed appreciation to the States that had financially supported the voluntary trust fund, while calling on States parties that were in a position to do so, to contribute to it. A broader call was made for contributions by States parties in order to allow the institutions established by the Convention to carry out their functions. In that regard, some delegations declared their intention to make contributions in 2015.

64. Several delegations noted with appreciation the high quality of the services rendered by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, as secretariat of the Commission, in particular in view of the fact that it had facilitated the increase in the number of weeks of meetings of the Commission.

65. The Meeting took note of the information reported by the Chair of the Commission.[15]

B. Conditions of service of the members of the Commission

66. The co-coordinators of the open-ended working group on the conditions of service of the Commission, established by the twenty-third Meeting of States Parties (see SPLOS/263 para. 77): Alexandra Lennox-Marwick (New Zealand) and James Waweru (Kenya), informed the Meeting of the work carried out by the open-ended working group since the last Meeting. It was recalled in that regard that at the twenty-fourth Meeting, States parties had adopted a decision based on a draft proposed by the open-ended working group, focusing in particular on medical insurance coverage, which was deemed the most urgent issue (see SPLOS/276).

67. The co-coordinators also recalled that in paragraph 80 of its resolution 69/245, the General Assembly had authorized the Secretary-General, as an interim measure and subject to the availability of funds in the trust fund established pursuant to resolution 55/7, to reimburse those members for the costs of medical travel insurance from that trust fund on a session-by-session basis. Furthermore, in paragraph 81 of the same resolution, the General Assembly had requested the Secretary-General to provide written information on options for mechanisms to provide medical insurance coverage to members of the Commission, including costs, which the open-ended working group continued to identify in consultation with the Secretariat. With regard to the issue of working space, the co-coordinators recalled that in paragraph 84 of resolution 69/245, the General Assembly had

[15] See also para. 74 below.

requested the Secretary-General to provide, in consultation with the Commission, written information on options for providing additional working space to the Division for Ocean Affairs and the Law of the Sea, in order to ensure that members of the Commission had sufficient working space for their work during the sessions of the Commission and its subcommissions.

68. The co-coordinators drew the attention of the Meeting to the fact that the Commission, at its thirty-seventh session, had concluded that its members needed more adequate working space and facilities and requested the Chair to address a letter to the Director of the Division for Ocean Affairs and the Law of the Sea outlining those needs. Based on that letter and information obtained by the Division through consultation with the Department of Management, a paper outlining the options for providing additional working space to the Commission had been circulated in April 2015, with an updated version made available to States parties shortly before the Meeting.

69. The Secretariat informed the Meeting of the status of the request for written information on options for mechanisms to provide medical insurance coverage to members of the Commission. In that regard, the Secretariat noted that it was working with a consultancy group to address the issue on a broader scale across the Organization and that it expected to receive a written report by the end of July.

70. In the ensuing discussions, several delegations took note of the concerns expressed by the Chair of the Commission on matters pertaining to the conditions of service of the members of the Commission and welcomed the steps taken pursuant to General Assembly resolution 69/245 in that regard. Many delegations emphasized that the Commission needed the necessary resources and conditions of service to carry out its important functions. Delegations stressed the urgency of addressing the issue of the conditions of service of members of the Commission, including medical insurance and working space and the need to find permanent solutions. It was important to send a clear political signal to the General Assembly as to the need to improve the conditions of service of the members of the Commission. The cooperation and support of the Secretariat was sought in that regard. Some delegations made a link between improving the conditions of service of members of the Commission and the greater efficiency and productivity of the Commission.

71. One delegation pointed out that medical insurance coverage among the members of the Commission was unequal. Several delegations recalled the obligation of nominating States parties to defray the expenses of members in accordance with the Convention.

72. The open-ended working group continued its work during the Meeting and prepared a draft decision on the conditions of service of the members of the Commission. Prior to its adoption, one delegation stated its understanding that the open-ended working group would continue to consider the issue of options for providing additional working space to the Division in order to ensure that members of the Commission had more suitable working space, including the question of how to finance such options. The Meeting then adopted the decision by consensus (SPLOS/286).

73. In accordance with the above-mentioned decision, at their twenty-sixth Meeting, States parties will take up and review matters related to the conditions of service of the members of the Commission. The open-ended working group will continue to consider issues related to the conditions of service of the members of

the Commission, in particular issues related to working space and medical insurance coverage, with the intention of assisting progress on these matters during the seventieth session of the General Assembly. The open-ended working group will also continue the consideration of other conditions of service of the members of the Commission stipulated in paragraph 77 of the report on the twenty-third Meeting of States Parties (SPLOS/263).

74. In response to the statements by delegations under agenda items 10 (a) and (b), and on behalf of the Commission, the Chair expressed his gratitude for the understanding and support of States parties and the open-ended working group in improving the conditions of service of the members of the Commission. He noted that the Commission had been working under very stressful and difficult conditions and the interventions made by States parties demonstrated their understanding of those difficulties. He recalled that the Commission considered submissions on a case-by-case basis and that the efficacy of its work depended also on the quality of information and data provided and the timeliness of supplementary information from submitting States. The Chair emphasized that decisions in the Commission and its subcommissions were taken collectively and that efforts to reach consensus sometimes contributed to perceived delays in the examination of submissions and in the delivery of recommendations. He conveyed the commitment of the Commission to work with submitting States in accordance with the Convention, the statement of understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea, the scientific and technical guidelines and the rules of procedure of the Commission, and to discharge its duties impartially and with the highest level of professionalism.

VII. Election of one member of the Commission on the Limits of the Continental Shelf

75. On 10 June 2015, the Meeting proceeded with the election of one member of the Commission on the Limits of the Continental Shelf to fill the vacancy which had resulted from the resignation of George Jaoshvili (Georgia) on 16 January 2015. The election was held in accordance with article 2, paragraph 3, of Annex II to the Convention. Members of the delegations of Canada, the Dominican Republic and Ghana acted as tellers.

76. The President referred to documents SPLOS/281 (note by the Secretary-General on the election of one member of the Commission on the Limits of the Continental Shelf) and SPLOS/282 (list of candidates nominated by States parties), and to the curriculum vitae of the candidate nominated for the election (circulated electronically in advance of the Meeting, available from www.un.org/depts/los/meeting_states_parties/twentyfifthmeetingstatesparties.htm).

77. The President informed the Meeting of the election procedures, recalling the relevant provisions of the Convention and the rules of procedure.

78. After the completion of the voting process, the President announced the election of Nenad Leder (Croatia) as a member of the Commission.[16] Mr. Leder will

[16] The Secretariat verified the quorum required for the election. The election required one round of balloting: 114 ballots were cast, with no invalid ballots and 2 abstentions. Nenad Leder received 112 votes and was thus elected.

serve for the remainder of the term of Mr. Jaoshvili, namely, from the date of election until 15 June 2017.

79. On behalf of the States parties, the President congratulated Mr. Leder on his election.

VIII. Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea

80. The Meeting considered the annual reports of the Secretary-General on oceans and the law of the sea (A/69/71/Add.1 and A/70/74), which had been submitted to the States parties to the Convention, pursuant to article 319 of the Convention. Delegations expressed their appreciation to the Secretary-General and to the Division for Ocean Affairs and the Law of the Sea for the useful and comprehensive reports. Some delegations suggested that the parts of the annual reports that provided an overview of the main trends and developments in ocean affairs and the law of the sea should be made available in May, rather than in September of each year, so that they could be considered at the Meeting of States Parties. A clarification regarding the practice concerning the preparation and issuance of the reports of the Secretary-General on oceans and the law of the sea was made by the Division.

81. Divergent views were expressed concerning the mandate of the Meeting of States Parties to discuss matters of a substantive nature relating to the implementation of the Convention. Some delegations indicated that the Meeting had the mandate to consider all issues pertaining to the application and implementation of the Convention. Other delegations were of the view that the Meeting should limit itself to the consideration of financial and administrative matters relating to the bodies established by the Convention, namely, the Tribunal, the Authority and the Commission, as prescribed under the Convention. In that connection, some delegations emphasized that the Meeting should not be regarded as a forum for discussion and resolution of bilateral disputes concerning the application and interpretation of the Convention.

82. Delegations highlighted the importance of the Convention in setting out the legal framework within which all activities in the oceans and seas must be carried out, including in maintaining international peace and security and ensuring sustainable use of the oceans and their resources. Some delegations also highlighted the contribution of the Convention to the rule of law. A number of delegations also welcomed the new State party to the Convention, which brought the Convention closer to the goal of universality. One delegation expressed the view that the new party did not meet the criteria to be a State in accordance with international law and could not accede to the Convention. A call was made for States that had not yet done so to become party to the Convention.

83. Delegations emphasized the need for implementation of the provisions of the Convention and for enhanced cooperation and coordination in that regard. Some delegations noted that, as recognized in the Convention, the problems of ocean space were closely interrelated and needed to be considered as a whole, and called for implementation of the Convention as an integral package. It was recalled that, while the General Assembly had repeatedly called on States parties to withdraw

declarations or statements made at the time of signing, ratifying or acceding to the Convention, which purported to exclude or modify the legal effect of the Convention, that had not occurred. The relevance of the Convention, specifically for landlocked developing countries in providing for rights of access to and from the sea and freedom of transit, was emphasized. In that connection, a call was also made for States to implement Part X of the Convention.

84. Some delegations highlighted the importance of strengthening the capacity of States to implement the provisions of the Convention and related instruments, as well as the need for all States to benefit from the oceans and their resources. Delegations also referred in that context to the recent and ongoing assistance provided to, and capacity-building activities for, developing States.

85. Some delegations noted the importance of the oceans for their economies and societies, as expressed in "The future we want", the outcome document of the United Nations Conference on Sustainable Development (see General Assembly resolution 66/288, annex). In that context, several delegations highlighted the importance of the sustainable development of the oceans and underscored, in particular, the sustainable development goals proposed by the Open Working Group on Sustainable Development Goals, including the stand-alone goal for oceans and seas (goal 14) and the forthcoming adoption of the post-2015 development agenda. Some delegations stressed the significance of the oceans in achieving those goals and targets and the importance of the Convention in that regard. The need for enhanced collaboration and coordination in achieving the integration of the three dimensions of sustainable development was emphasized. It was suggested by one delegation that triennial summits should be held to monitor the implementation of proposed goal 14 of the sustainable development goals. Another delegation drew attention to the reference to the Convention in target 14.c of the sustainable development goals, which, in its view, deviated from the established language used by the General Assembly and recalled that this issue had been addressed by the General Assembly in its resolution 69/245.

86. One delegation stressed the importance of access to energy in the context of sustainable development, in particular renewable energy. National initiatives and policies with regard to the use of offshore wind as a potential renewable energy source were raised in that context.

87. The importance of the conservation and sustainable use of marine biological diversity to sustainable development was underscored. Several delegations highlighted the achievements of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Delegations also emphasized the importance of the development of a legally binding instrument in the context of the forthcoming negotiations in the preparatory committee (see A/69/L.65). A view was expressed that such an instrument must be an implementing agreement of the Convention. It was noted that negotiations for such an instrument should not depart from the provisions of the Convention. Delegations stressed that the forthcoming negotiations should not undermine the existing legal instruments and frameworks, or the work of existing bodies, including at the regional level. The need to avoid parallel negotiations was also stressed by one delegation. Some delegations emphasized the importance of consensus and the need for careful consideration in the appointment of the presiding officer for the preparatory committee. A view was

expressed that the new international instrument should adequately address such fundamental issues as definitions, marine genetic resources, benefit-sharing, capacity-building, transfer of technology and the setting up of a comprehensive mechanism to ensure its implementation.

88. With regard to the role of science, it was suggested that marine scientific research should become an integral part of decision-making. Cross-disciplinary and cross-sectoral marine scientific research and the sharing of its results should be encouraged. Some delegations welcomed in this regard the efforts towards finalizing the first global integrated marine assessment of the Regular Process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects. It was noted that the assessment would provide all States with a scientific basis for the formulation of maritime policies and the implementation of integrated marine management.

89. Many delegations highlighted specific activities in the oceans or raised issues that needed to be addressed, such as the protection of the marine environment, climate change, safety of navigation, migration by sea, crimes at sea and the underwater cultural heritage. Several delegations expressed concern over illegal, unreported and unregulated fishing and described actions to address it at national and international levels, such as the adoption and implementation of national plans of actions on such fishing and concrete steps taken against specific vessels. In that regard, delegations welcomed the steps taken by some States to become parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations, and called on States to ratify that agreement. The importance of international cooperation in effectively addressing illegal, unreported and unregulated fishing was emphasized, including South-South cooperation. One delegation indicated that measures taken to address such fishing should not create commercial barriers to States that had well-regulated fisheries.

90. Several delegations emphasized the importance of area-based management tools, such as marine protected areas. One delegation informed the Meeting of the establishment of a shark sanctuary in its exclusive economic zone. Another delegation stressed that measures which reflected an integrated approach to the management of ocean activities were important as they ensured the balanced and comprehensive development of the three dimensions of sustainable development. A number of delegations drew attention to the need to address pollution of the marine environment, such as marine debris. The inclusion of marine debris, plastics and microplastics as the area of focus for the next meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea was welcomed.

91. A number of delegations stressed the need to address urgently the impact of climate change on the oceans and ocean acidification and highlighted possible ways and means to do so. A view was expressed that oceans should be a focus in the ongoing discussions in advance of the twenty-first Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in Paris in November 2015. Another delegation drew attention to the work of the International Maritime Organization (IMO) on the reduction of greenhouse gas emissions. It also expressed the view that States parties should act in keeping with the Convention when discharging their obligations under other major environmental treaties to which they were parties, such as the Montreal Protocol on Substances that Deplete

the Ozone Layer. Some delegations expressed concern over the increased number of migrants at sea and called for the capacity of States to safeguard human life at sea to be strengthened. The duty to render assistance to any person found at sea in danger of being lost and to rescue persons in distress at sea and the obligation under the Convention to provide for an adequate and effective search and rescue service regarding safety on and over the sea, as well as the need to address the issue from a human rights perspective, were emphasized. Delegations called for solutions to the issue, in particular by addressing the root causes of migration. The global initiative on protection at sea of the Office of the United Nations High Commissioner for Refugees was highlighted as an example.

92. As regards maritime security, a number of delegations expressed concerns regarding threats such as piracy and illicit traffic in narcotic drugs and psychotropic substances, in persons and in weapons, and noted instances of regional cooperation in that regard. Some States called for enhanced cooperation, while the need for States to respect the sovereignty and territorial integrity of the coastal States concerned was also emphasized by one delegation. Another delegation informed the Meeting of its activities to address piracy, including patrolling and providing support for judicial processes.

93. The need to protect the underwater cultural heritage from plundering, commercial exploitation and industrial development was highlighted by one delegation. Such a heritage was important, inter alia, in the context of the sustainable development of the oceans and for improved understanding, through research on underwater sites, of the history of climate change and its impact on human life. In that regard, the delegation noted the obligations under the Convention and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Regular Process for global reporting.

94. A number of delegations highlighted actions taken to improve the safety of navigation and the protection and preservation of the marine environment from shipping activities. In that context, the adoption by IMO of the International Code for Ships Operating in Polar Waters was welcomed, as it would reduce risks for vessels operating in polar waters and enhance the protection of the marine environment. Some delegations exchanged views regarding the regulation of shipping in the maritime zones adjacent to the Crimean Peninsula. The representative of Ukraine, recalling that General Assembly resolution 68/262 had recognized the sovereignty of Ukraine over Crimea, requested that the following be reflected verbatim in the report of the Meeting: "Russia's 'taking over' Ukraine's responsibility for the international shipping issues, including those regarding the safety of navigation, protection of marine environment from ship pollution, search and rescue, ship registration, certification of crew members of seagoing vessels in maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol, which are an integral part of the territory of Ukraine, constitutes an internationally wrongful act which entails international responsibility of the Russian Federation". The representative of the Russian Federation expressed the view that the Meeting lacked the mandate to consider substantive issues relating to the law of the sea and in particular the issue of Crimea. In that regard, however, the representative recalled that comprehensive information on the measures adopted by the Russian Federation with regard to maritime traffic in the Black Sea was detailed in the annex to IMO circular letter No. 3471 of 7 July 2014.

95. A number of delegations expressed views with regard to continuing disputes. The importance of the principles of international law, such as freedom of navigation and overflight, were recalled in that context, as was the role of the Tribunal. Some delegations drew attention to recent developments in the South China Sea/East Sea and set out their respective positions in that regard. They highlighted the need for States to resolve maritime disputes peacefully. One delegation stressed the obligation of States to participate in the mandatory dispute settlement mechanism of the Convention when disputes occurred and the role of arbitration in resolving disputes under the Convention. Another delegation expressed the view that bilateral disputes concerning the application and interpretation of the Convention did not fall within the mandate of the Meeting and emphasized the right of countries to choose freely the means of peaceful dispute settlement, in particular through bilateral negotiations. Reference was also made to the implementation of the Declaration on the Conduct of Parties in the South China Sea and the early conclusion of a code of conduct in the South China Sea.

96. Several delegations highlighted events relating to oceans and the law of the sea, such as the celebration of World Oceans Day, including the events commemorating the occasion at the Intergovernmental Oceanographic Commission of UNESCO in Paris and the "Blue Week" held in Lisbon in June 2015, which comprised a "Blue Business Forum", including a conference on "Challenges in the new ocean order: a legal perspective", a ministerial meeting and the third World Oceans Summit. The twentieth anniversary of the opening for signature of the Fish Stocks Agreement was noted and calls were made for increased participation in the Agreement.

97. The Meeting took note of the report of the Secretary-General under article 319 and of the views expressed by delegations under that agenda item, and decided that the same agenda item would be included in the provisional agenda of the twenty-sixth Meeting.

IX. Other matters

Information provided by the Secretariat

98. The Division for Ocean Affairs and the Law of the Sea provided information on the current status and projected funding requirements of the voluntary trust funds to assist the work of the Commission on the Limits of the Continental Shelf and the Tribunal.

99. With regard to the Voluntary Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, in compliance with article 76 of the United Nations Convention on the Law of the Sea, it was reported that, since the previous Meeting, a contribution had been received from Costa Rica. As at the end of May 2015, the trust fund had an approximate balance of $1.3 million.

100. With regard to the Voluntary Trust Fund to assist States in the settlement of disputes through the International Tribunal for the Law of the Sea, no contributions had been received and no disbursements made since the last Meeting. As at the end of May 2015, the trust fund had an approximate balance of $121,000.

101. Regarding the Voluntary Trust Fund for the regular process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects, contributions had been received from Belgium, New Zealand and the Republic of Korea. Disbursements had been made to facilitate the participation of experts from developing countries in the meetings of the Group of Experts held in July 2014 and April 2015. As at the end of May 2015, the trust fund had an approximate balance of $50,000.

102. Ireland and Monaco had made contributions to the Hamilton Shirley Amerasinghe Memorial Fellowship and, as at the end of May 2015, the fellowship fund had an approximate balance of $5,000. It was noted that, since the approximate cost of one fellowship award amounted to $55,000, it would not be possible to award the next fellowship unless sufficient contributions to the fund were received by September 2015. The Division also drew attention to the request of the General Assembly to the Secretary-General, contained in paragraph 8 of resolution 69/117 and paragraph 37 of resolution 69/245, to include in the regular budget for consideration by the General Assembly the necessary funding for the fellowship, should voluntary contributions be insufficient.

103. A contribution had been received from New Zealand for the Voluntary Trust Fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, to attend meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. Disbursements had been made to fund representatives from developing countries to attend the sixteenth meeting of the Informal Consultative Process. As at the end of May 2015, the trust fund had an approximate balance of $30,000.

104. The Division expressed gratitude to all States that had made contributions to the trust funds it administered and reiterated the appeal to States that were in a position to do so to contribute to them to maintain workable balances. The Secretariat also called upon intergovernmental organizations and institutions and natural and juridical persons that would be in a position to contribute to the trust funds to do so.

105. Delegations expressed appreciation to the States that had contributed or pledged to contribute to the trust funds.

106. The Meeting took note of the information on trust funds provided by the Secretariat.

International Hydrographic Organization

107. The President of the International Hydrographic Organization introduced the fifth edition of the *Manual on Technical Aspects of the United Nations Convention on the Law of the Sea* and indicated that it was available for free download from the website of the International Hydrographic Organization. One delegation conveyed its appreciation for the statement by the President and reserved its right to comment further after fully considering the document.

International Tribunal for the Law of the Sea

108. The President of the Tribunal introduced a documentary on the Tribunal, which he indicated would be available for free download from the website of the Tribunal.

Acknowledgments

109. The President of the twenty-fifth Meeting of States Parties expressed his appreciation to the interpreters, translators and conference officers for their assistance and services provided during the meeting, as well as to the staff of the Division.